

Submitted by: ASSEMBLY CHAIR TRAINI,
VICE CHAIR FLYNN, AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk
For reading: August 31, 2010

CLERK'S OFFICE
APPROVED

Date: 8-31-10 ANCHORAGE, ALASKA
AR NO. 2010-245

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE # 5002 FOR
TCCH, Inc. dba WINE HOUSE AT HUFFMAN LOCATED AT 1330 HUFFMAN ROAD UNIT
H AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, TCCH, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Package Store Liquor License # 5002, to be used for Wine House at Huffman, located at 1330 Huffman Road Unit H, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on July 8, 2010 and has determined that the last day for the Assembly to file a protest is September 6, 2010 and

WHEREAS, the Assembly Meeting on August 31, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Approvals from the Municipal Health & Human Services and Anchorage Fire Department have been received;
4. Conditional Use Permit required by AMC 21.50.160; has not been approved
5. Approval from Anchorage Building Safety has not been received.

WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation that outstanding items required for this location have been completed;

1
2 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
3


4 Section 1. The Anchorage Assembly hereby enters its PROTEST for a Package
5 Store Liquor License # 5002 until these conditions are met:
6

- 7
- 8 • Successful completion of the Conditional Use Permit under
9 AMC 21.50.160 is confirmed by the Municipal Clerk.
 - 10 • Approval from the Anchorage Fire and Building Safety
11 Department are received and confirmed by the Municipal Clerk.
12

13 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
14 Beverage Control Board as proof that the Anchorage Assembly, as the
15 local governing body, has stated its protest in order to allow the Director
16 of the Alcoholic Beverage Control Board to hold processing of Package
17 Store Liquor License # 5002 under local protest, until receipt by the
18 Director of confirmation from the Municipal Clerk that the conditions in
19 Section 1 have been met, and this protest is lifted as authorized by this
20 Assembly Resolution.
21

22 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
23 Municipal Clerk confirmation that all conditions in Section 1 have been
24 met, to provide written notification to the Alcoholic Beverage Control
25 Board that this protest by the Anchorage Assembly is lifted, without
26 further action by the Assembly.
27

28 PASSED AND APPROVED by the Anchorage Assembly this 31st day of
29 August, 2010.
30

31
32 
33 _____
34 Chair

35 ATTEST:
36

37
38 
39 _____
40 Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A Masters, Commissioner

July 8, 2010

Municipality of Anchorage
Barbara Gruenstein
P.O. Box 196650
Anchorage, Alaska 99519

Re: Wine House at Huffman – License # 5002

We have received the enclosed application for a new liquor license within the Municipality of Anchorage. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Alcoholic Beverage Control Board

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
 Full 2-year period Mo/Day _____ Mo/Day **# 6489**

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2010-2011	License Type: Package Store	Statute Reference Sec. 04.11. 150	License Fee: \$
(Office Use Only) License #: 5002			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: Old Seward/Oceanview Community Council P.O. Box 1110003 Anchorage AK 995011		Fingerprint: (\$34.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): TCCH Inc.	Doing Business As (Business Name): Wine House at Huffman	Business Telephone Number: Fax Number: 349-7046	Total Submitted: \$ 1600.00
Mailing Address: 3318 Checkmate Dr. City, State, Zip: Anchorage, AK, 99508	Street Address or Location of Premise: 1330 Huffman Road unit-H Anchorage AK, 99515	Email Address: checkmate@gci.net	

SECTION B. PREMISES TO BE LICENSED. Must be completed.

Closest school grounds OceanView Elementary 11911 Johns Rd. Anchorage	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church: Sunset Hill Baptist Church 12130 Old Seward Hwy God's Greater Holy Temple 12601 Old Seward Hwy	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input checked="" type="checkbox"/> Not applicable
Premises to be licensed is: <input checked="" type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input type="checkbox"/> New building	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

Does any individual, corporate officer, director, imited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
TCCH Inc.	Dimond Liquor	Package Store	1901 W. Dimond	AK
TCCH Inc.	Wine House at Jewel Lake	Package Store	8841 Jewel Lake	AK

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

Office use only

Date Approved	Director's Signature
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Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership) TCCH Inc		Telephone Number 243-8885	Fax Number 349-7646
Corporate Mailing Address: 3318 Checkmate Dr.		City Anchorage	State AK
		Zip Code 99508	
Name, Mailing Address and Telephone Number of Registered Agent Talbot Chang (907)243-8885 same address as above		Date of Incorporation OR Certification with DCED 11-30-2002	State of Incorporation AK
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Talbot Chang	Pres.	50	3318 checkmate Dr. Anchorage AK 99508	243-8885	2-22-62
Yoon J. Chang	Secr.	50	Same as above	349-7646	9-21-65

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

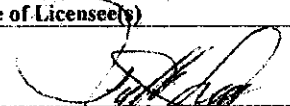
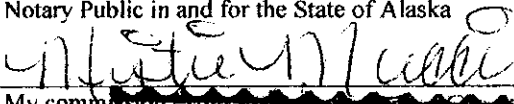
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)

Signature 	Signature
Name & Title (Please Print) Talbot Chang President	Name & Title (Please Print)
Subscribed and sworn to before me this 8 th day of June, 2010.	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska
My commission expires: Nov 7, 2013	My commission expires:

Notary Public
MISTIE MUCCI
 State of Alaska
 My Commission Expires Nov 7, 2013

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Title: ROAD UNIT H AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. ASSEMBLY CHAIR TRAINI, VICE CHAIR FLYNN, AND ASSEMBLY PUBLIC SAFETY COMMITTEE CHAIR HONEMAN

Author: moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 8/20/10 10:47 AM**Assembly Meeting Date:** 8/31/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	8/20/10 10:53 AM	Exit	Amanda Moser	Public	009323
AllOtherARWorkflow	8/20/10 10:53 AM	Checkin	Amanda Moser	Public	009323